

REMARKS/ARGUMENTS

Claims 1-2, 4-8, and 10-12 are pending in the application. Claims 3 and 9 are canceled.

Rejection Under 35 USC § 103

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chistyakov, U.S. Patent No. 6,896,773 in view of Kouznetsov et al. "A novel pulsed magnetron sputter technique utilizing very high target power densities," Surface and Coatings Technology 122 (1999) 290-293 and Manely et al. (U.S. Pat. 5,682,067). Independent claims 1 and 8 have been amended to require that a state of ionization substantially higher than that of an abnormal glow discharge be adopted without first adopting an arc discharge state by controlling the voltage rate of rise of the voltage pulse applied to the material target. This limitation is not present in the prior art of record, either alone or in combination. Thus, Applicant respectfully requests that the rejection be withdrawn as to all pending claims.

Double Patenting

Claims 8-12 are rejected under the judicially created doctrine of obviousness-typed double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,808,607 in view of Chistyakov (U.S. Pat. 6,896,773). For the reasons explained above, in view of the amendments to claims 1 and 8, Applicant respectfully requests that the rejection be withdrawn as to all pending claims.

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Dated this 8th day of March, 2006.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment and Request for Consideration is being transmitted via facsimile to the United States Patent and Trademark Office, fax no. (571) 273-8300 on March 8, 2006.

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